

AB

UNITED STATES DISTRICT COURT FOR THE
EASTERN DISTRICT OF PENNSYLVANIA

Michael Zhang
Plaintiff

v.
Cephalon, Inc.
Defendant

FILED 07 3747

SEP 10 2007

MICHAEL E. KUNZ, Clerk
Dep. Clerk

COMPLAINT

- 1.) Fill in your address (street, city or town, state, and zip code):

2313 Redtail Rd
Audubon, PA 19403

- 2.) Defendant's address is (street, city or town, state, and zip code):

41 Moores Rd
Frazer, PA 19355

- 3.) Statement of Claim:

Fill in the facts of your case, and state why you are filing this lawsuit. Give names, dates, and places as best you can.

On Sept 16, 2005, I went to Defendant's place to interview for the position of Biostatistics Trial Manager (BTM). I met and/or exceeded all the qualifications for this position of BTM.

On October 11, 2005, the Defendant offered me a position of Biostatistician II. This position is one level lower than BTM (the position I interviewed for) and is two levels lower than Senior BTM, a position held by Holly Grice (Caucasian, female) who had less years of working experiences and lower academic training than the plaintiff. ⇒ reverse side

The plaintiff had a Master's degree in computational sciences and had four-year Ph.D. level biostatistical academic training.

Holly Grice only had a Master's degree.

The plaintiff had 4+ years of pharmaceutical experiences.

Holly Grice had 4- years of working experiences.

The Defendant put me in a position two levels lower than Holly Grice's.

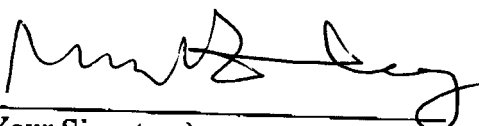
The plaintiff is a Chinese male.

4.) Fill in what you are requesting in this case:

Compensatory and punitive damages in the amount
of \$3,500,000.00

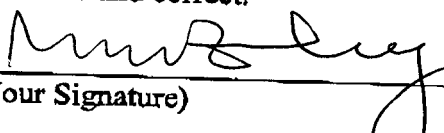
5.) If you filed charges with the Equal Employment Opportunity Commission or with the Pennsylvania Human Relations Commission, please attach a copy of the Notice-of-Right-to-Sue letter.

6.) If there is a right to a jury trial in your type of case, do you want one?
Yes X No


(Your Signature)

I declare under penalty of perjury that the information filled in is true and correct.

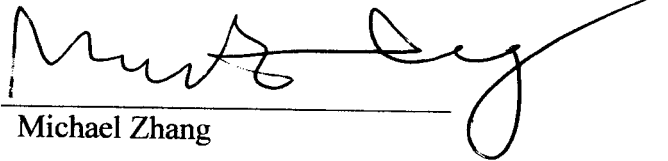
09/07/07
(Date)


(Your Signature)

CERTIFICATE OF SERVICE

I, Michael Zhang, hereby certify that on this 8th day of September, 2007 the following documents were served by certified mail, United States Post Office to Clerk of Court, United States District Court, 601 Market Street, Room 2609, Philadelphia, PA 19106-1797:

1. EEOC Notice of Right-to-Sue
2. Civil Complaint
3. Description of Lawsuit for Court Assignment
4. Filing fee of \$350, payable to Clerk, United States District Court



Michael Zhang

U.S. EQUAL EMPLOYMENT OPPORTUNITY COMMISSION

DISMISSAL AND NOTICE OF RIGHTS

To: **Michael Zhang**
2313 Redtail Road
Audubon, PA 19403

From: **Philadelphia District Office**
21 South 5th Street
Suite 400
Philadelphia, PA 19106

☐

On behalf of person(s) aggrieved whose identity is
CONFIDENTIAL (29 CFR § 1601.7(a))

EEOC Charge No.

EEOC Representative

Telephone No.

17F-2006-61951

Legal Unit

(215) 440-2828

THE EEOC IS CLOSING ITS FILE ON THIS CHARGE FOR THE FOLLOWING REASON:

☐

The facts alleged in the charge fail to state a claim under any of the statutes enforced by the EEOC.

☐

Your allegations did not involve a disability as defined by the Americans with Disabilities Act.

☐

The Respondent employs less than the required number of employees or is not otherwise covered by the statutes.

☐

Your charge was not timely filed with EEOC; in other words, you waited too long after the date(s) of the alleged discrimination to file your charge.

☐

Having been given 30 days in which to respond, you failed to provide information, failed to appear or be available for interviews/conferences, or otherwise failed to cooperate to the extent that it was not possible to resolve your charge.

☐

While reasonable efforts were made to locate you, we were not able to do so.

☐

You were given 30 days to accept a reasonable settlement offer that affords full relief for the harm you alleged.

☐

The EEOC issues the following determination: Based upon its investigation, the EEOC is unable to conclude that the information obtained establishes violations of the statutes. This does not certify that the respondent is in compliance with the statutes. No finding is made as to any other issues that might be construed as having been raised by this charge.

☒

The EEOC has adopted the findings of the state or local fair employment practices agency that investigated this charge.

☐

Other (briefly state)

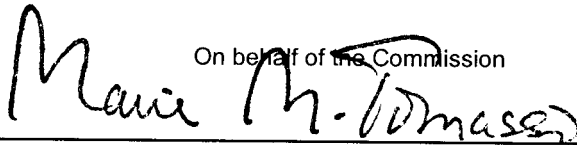
- NOTICE OF SUIT RIGHTS -

(See the additional information attached to this form.)

Title VII, the Americans with Disabilities Act, and/or the Age Discrimination in Employment Act: This will be the only notice of dismissal and of your right to sue that we will send you. You may file a lawsuit against the respondent(s) under federal law based on this charge in federal or state court. Your lawsuit **must be filed WITHIN 90 DAYS of your receipt of this Notice**; or your right to sue based on this charge will be lost. (The time limit for filing suit based on a state claim may be different.)

Equal Pay Act (EPA): EPA suits must be filed in federal or state court within 2 years (3 years for willful violations) of the alleged EPA underpayment. This means that **backpay due for any violations that occurred more than 2 years (3 years) before you file suit may not be collectible.**

On behalf of the Commission



Marie M. Tomasso,
District Director

June 8, 2007

(Date Mailed)

Enclosure(s)

cc: CEPHALON, INC.

Angeli Murphy, Esquire
Morgan Lewis & Bockius, LLP
1701 Market Street
Philadelphia, PA 19103-2921